

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

JAMES DONALD BURKHALTER

VS.

CIVIL ACTION NO. 1:14cv219-KS-MTP

IRB BENJAMIN

**CERTIFICATE OF APPEALABILITY**

A final order adverse to the applicant having been filed in the captioned *habeas corpus* case, in which the detention complained of arises out of process issued by a state court or a proceeding pursuant to 28 U.S.C. § 2254, the Court considering the record in the case and the requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, hereby finds that:

A Certificate of Appealability should not issue. The applicant has failed to make a substantial showing of the denial of a constitutional right.

SO ORDERED this the 20<sup>th</sup> day of October, 2016.

*s/Keith Starrett*  
UNITED STATES DISTRICT JUDGE